

REMARKS

In response to the Office Action mailed June 23, 2006, Applicants have amended claim 64. It is urged that support for the above amendments may be found throughout the specification as originally filed, for example at page 21, lines 18-20. No new matter has been added. The above amendments are not to be construed as acquiescence with regard to the Examiner's rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application. Following the amendments, claim 64 is pending in the application. Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102

Claim 64 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Tashiro *et al.*, (US Patent No. 5,589,182). The Action contends that the cited reference teaches daidzein in combination with ascorbic acid and a physiologically acceptable carrier.

Without acquiescing to the rejection, and solely to advance prosecution, Applicants have amended claim 64 to recite “a physiologically acceptable carrier, wherein said carrier comprises an aerosol propellant useful for endopulmonary and/or intranasal inhalation administration...”. Applicants submit that nowhere does the cited reference teach the use of carriers appropriate for administration by inhalation. As such, Applicants submit that the claims as amended are not anticipated by the cited reference. Reconsideration of the application and withdrawal of the rejection are respectfully requested.

In view of the above amendments and remarks, the claims are now believed to be in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at 206-622-4900 to resolve same.

Application No. 09/982,315
Reply to Office Action dated June 23, 2006

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

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